

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cr-00097

United States of America

v.

Shawn Carl Gaitan

ORDER

Co-defendant Gloria Elizabeth Aguilar (9) filed an unopposed motion to continue the trial. Doc. 190. This motion to continue is granted. The new deadlines and court settings for defendants Shawn Carl Gaitan (1), Sanderson Antonio Montilla (2), Jesus Salais (3), Marcelino Berumen (4), John Eric Retiz (6), Dusty Raquel Dudley (7), Gloria Elizabeth Aguilar (9), Shane Edward Dispennett (10), and Lance Wade Allen (11) are as follows:

- Deadline for pretrial motions (except Sept. 1, 2021 motions for continuance):
- Deadline to file motion for continu- Sept. 6, 2021
ance or notify the court of a plea at 12:00 p.m.
agreement:
- Pretrial conference: Sept. 29, 2021
at 1:30 p.m.
- Jury selection and trial: Oct. 4, 2021
at 9:30 a.m.

A speedy trial is desirable, but “a myopic insistence upon expeditiousness in the face of a justifiable request for delay can render the right to defend with counsel an empty formality.” *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964). Considering the factors listed in 18 U.S.C. § 3161(h)(7), the ends of justice served by this continuance outweigh the interest of the public and the defendant in a speedy trial. In this case, defendant’s

counsel reports that “This case involves eleven defendants and [a] voluminous amount of discovery.” Doc. 190 at 2. Additional time is needed “to review discovery with defendant and confer with Assistant United States Attorney on plea negotiations.” *Id.*

Failure to grant a continuance would create an appreciable likelihood of a miscarriage of justice by failing to give Ms. Aguilar and her attorney enough time to prepare her case. This continuance is necessary to provide defendant’s counsel with reasonable time to prepare, considering due diligence. In addition, this case was designated complex and all Speedy Trial Act deadlines were suspended on January 20, 2021. Therefore, the period of delay that will result from this continuance is excludable under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7).

The court notes that co-defendants Shawn Carl Gaitan (1), Sanderson Antonio Montilla (2), Jesus Salais (3), Marcelino Berumen (4), John Eric Retiz (6), Dusty Raquel Dudley (7), Shane Edward Dispennett (10), and Lance Wade Allen (11) are also set for trial in this matter for June 15, 2021. The motion reports that counsel for Aguilar consulted with the Assistant United States Attorney and counsel for all co-defendants in this case, and that the motion is unopposed. Therefore, the court grants the extension request for all jointly indicted co-defendants as well.

So ordered by the court on May 20, 2021.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge